

REMARKS

Prior to the present amendment, claims 1, 3-8, 10-15, 17, and 19-25 were pending in the present application. Claims 1, 3-6, and 10 are canceled above. Claims 7 and 15 are amended above. Claims 1, 7-8, 11-15, 17, and 19-25 are now pending in the present application. No new matter is added by the claim amendments. Entry is respectfully requested.

The Applicant notes that the Office Action Summary does not indicate whether the drawings are acceptable. Confirmation of their acceptability is respectfully requested.

Applicant notes with appreciation that the Office Action indicates at page 9, section 7 that claim 10 would be allowable if rewritten in independent form. Independent claim 7 is amended herein to include the limitations of claim 10, and claim 10 is canceled. In addition, claim 7 is amended to further clarify that a "priority" is determined by "reading a priority field data of the VLAN packet or the IP packet and by outputting a third signal when the priority of the VLAN packet or the IP packet is over a predetermined critical value and outputting a fourth signal when the priority of the VLAN packet or the IP packet is under the predetermined critical value in the case where the priority data is designated to the VLAN packet or the IP packet." No new matter is added by this claim amendment. Entry and allowance of independent claim 7 and claims 8 and 11-14 dependent thereon are respectfully requested.

Claims 1 and 3-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Krishna (United States Patent No. 6,981,054). Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krishna. Claims 7-8, 11-15, 17, 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krishna in view of Kawakami, *et al.* (United States Publication No. 2002/0136163). Reconsideration of the rejections is respectfully requested.

With regard to the rejection of independent claims 1-6, claims 1-6 are canceled. Removal of the rejection of claims 1-6 based on Krishna is respectfully requested.

With regard to the rejection of claims 7-8 and 11-14, these rejections are no longer believed to be applicable in view of the above amendments made to independent claim 7. Entry of the amendments to claim 7; reconsideration and removal of the rejection of 7-8 and 11-14 under 35 U.S.C. 103(a) based on the combination of Krishna and Kawakami, *et al.*, and allowance of claims 7-8 and 11-14, are respectfully requested.

With regard to the rejection of independent claim 15, claim 15 is amended to clarify that a "priority outputting section" comprises a "priority data extracting section" for "determining whether the priority data are designated to the port or whether the priority data are designated to the packet" and "outputting a first signal when the priority data is designated to the one of the plurality of ports at which the packet is received and a second signal when the priority data is not designated to the one of the plurality of ports at which the packet is received," for "determining whether the packet is a VLAN packet or an IP packet when the priority data is designated to the packet," and for "determining the priority data by reading a priority field data of the VLAN packet or the IP packet." In addition, independent claim 15 is amended to clarify that a "port priority outputting section" outputs a "port priority data when the priority data is designated to the port." In addition, independent claim 15 is amended to clarify that a "VLAN priority outputting section" determines the "priority of the VLAN packet by using the read priority data when the priority data is designated to VLAN packet." In addition, independent claim 15 is amended to clarify that an "IP priority outputting section for determining the priority of the IP packet by using the read priority data when the priority data is designated to the IP packet." In addition, independent claim 15 is amended to clarify that the "priority outputting section" further outputs a "third signal when the priority of the VLAN packet or the IP packet is over a predetermined critical value and a fourth signal when the priority of the VLAN packet or the IP packet is under the predetermined critical value in the case where the priority data is designated to the VLAN packet or the IP packet."

It is submitted that the combination of Krishna and Kawakami, *et al.* fails to teach or suggest a "priority data extracting section" for "determining whether the priority data are

designated to the port or whether the priority data are designated to the packet by outputting a first signal when the priority data is designated to the one of the plurality of ports at which the packet is received and a second signal when the priority data is not designated to the one of the plurality of ports at which the packet is received,” as claimed in amended independent claim 15. In addition, it is submitted that the combination of Krishna and Kawakami, *et al.* fails to teach or suggest a “priority outputting section further outputting a third signal when the priority of the VLAN packet or the IP packet is over a predetermined critical value and a fourth signal when the priority of the VLAN packet or the IP packet is under the predetermined critical value in the case where the priority data is designated to the VLAN packet or the IP packet,” as claimed in amended independent claim 15.

Krishna teaches a plurality of network switch ports 20, each switch port 20 including a port filter 24 that is configured to determine a priority for a data frame received on a corresponding switch port (see Krishna, FIGs. 1 and 2, column 5, lines 38-41). In this manner, each port filter 24 can forward a determined port priority value to a flow control generator 32 for storage in a port table 40 (see Krishna, column 5, lines 41-44). However, there is no teaching or suggestion in Krishna of a “priority data extracting section” for “determining whether the priority data are designated to the port or whether the priority data are designated to the packet by outputting a first signal when the priority data is designated to the one of the plurality of ports at which the packet is received and a second signal when the priority data is not designated to the one of the plurality of ports at which the packet is received,” as claimed in amended independent claim 15. Specifically, there is no teaching or suggestion of the port priority value of Krishna being outputted as a “first signal when the priority data is designated to the one of the plurality of ports at which the packet is received” and a “second signal when the priority data is not designated to the one of the plurality of ports at which the packet is received,” as claimed in amended independent claim 15. Nor is there any teaching or suggestion of the port priority value of Krishna being output as a “third signal” when the “priority of the VLAN packet or the IP packet is over a predetermined critical value or a “fourth signal” when the “priority of the VLAN packet or the IP packet is under the predetermined critical value in the case where the priority

data is designated to the VLAN packet or the IP packet,” as claimed in amended independent claim 15. Instead, the port priority value of Krishna is output to the port table 40 when the priority for a data frame is received on a switch port. However, a priority of a data frame, as taught by Krishna, is different than a “priority of the VLAN packet or the IP packet,” as claimed. It therefore follows that Krishna fails to teach or suggest Applicants’ claimed “priority outputting section,” as claimed in amended independent claim 15.

Kawakami, *et al.*, like Krishna, fails to teach or suggest “priority data extracting section” for “determining whether the priority data are designated to the port or whether the priority data are designated to the packet by outputting a first signal when the priority data is designated to the one of the plurality of ports at which the packet is received and a second signal when the priority data is not designated to the one of the plurality of ports at which the packet is received,” for “determining whether the packet is a VLAN packet or an IP packet when the priority data is designated to the packet,” and for “determining the priority data by reading a priority field data of the VLAN packet or the IP packet, and by outputting a third signal when the priority of the VLAN packet or the IP packet is over a predetermined critical value and a fourth signal when the priority of the VLAN packet or the IP packet is under the predetermined critical value in the case where the priority data is designated to the VLAN packet or the IP packet,” as claimed in amended independent claim 15.

Accordingly, since neither Krishna nor Kawakami, *et al.* teaches or suggests these claimed features, there is no way to combine the references to obtain teaching or suggestion of the claimed features, and therefore, there is no combination of the references that teaches or suggests the invention set forth in the amended claims.

Since neither Krishna nor Kawakami, *et al.*, taken alone or in combination, teaches or suggests the present invention set forth in the amended claims, independent claim 15 and dependent claims 17 and 19-25 thereon are believed to be allowable over the cited references. Accordingly, reconsideration of the rejection of claims 15, 17, and 19-25 under 35 U.S.C. 103(a)

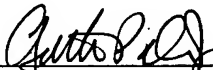
based on Krishna and Kawakami, *et al.* is respectfully requested.

Closing Remarks

It is submitted that all claims are in condition for allowance, and such allowance is respectfully requested. If prosecution of the application can be expedited by a telephone conference, the Examiner is invited to call the undersigned at the number given below.

Respectfully submitted,

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